

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Mikko KANERVA	Confirmation No.: 7109
Application No.: 09/893,792	Group Art Unit: 2617
Filed: June 28, 2001	Examiner: Daniel Jr, Willie J.

For: TELECOMMUNICATION SYSTEM AND METHOD WITH LOCATION
CRITERIA IN CALL REQUESTS

Commissioner for Patents
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated August 17, 2010.

I. REAL PARTY IN INTEREST

The real party in interest is Nokia Corporation, a corporation organized under the laws of Finland and having a place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland. The above referenced application is assigned to Nokia Corporation.

II. RELATED APPEALS AND INTERFERENCES

A related application, European Patent Application No. 99968399.8 is currently under appeal at the European Patent Office, with no decision yet being rendered.

III. STATUS OF THE CLAIMS

Claims 73-108 are pending in this appeal, in which claims 91-108 are currently withdrawn. This appeal is therefore taken from the final rejection of claims 73-90 on May 17, 2010.

IV. STATUS OF AMENDMENTS

All amendments have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention addresses problems associated with telecommunication systems comprising a first station and a plurality of second stations. In particular, the claimed invention is related to an apparatus and method to receive a request from a first station to connect to one a plurality of second stations, the request specifies a location criteria, determine location information for each of the second stations, and select one the second stations to connect to the first station based on the location criteria and the determined location information.

Independent claim 73 provides for the following:

73. A method comprising:

receiving a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria (See, e.g., Specification page 11, lines 4-14, Fig. 2, elements MS1, MSC, MS2);

determining location information for each of the other mobile stations (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2); and

selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2).

Independent claim 79 provides for the following:

79. An apparatus comprising:

at least one processor (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, 4-14, Fig. 2, element 10); and

at least one memory, the at least one memory and the at least one processor configured to cause the apparatus at least to (See, e.g., Specification page 8, lines 18-27, page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, element 6):

receive a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria (See, e.g., Specification page 11, lines 4-14, Fig. 2, elements MS1, MSC, MS2),

determine location information for each of the other mobile stations (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2), and

select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2).

Independent claim 85 provides for the following:

85. An apparatus comprising:

means for receiving a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria (See, e.g., Specification page 11, lines 4-14, Fig. 2, elements MS1, MSC, MS2);

means for determining location information for each of the other mobile stations (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2); and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (See, e.g., Specification page 12, lines 15-28, page 18, line 26 – page 19, line 2, Fig. 2, elements MS1, MSC, MS2).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 73-90 are anticipated under 35 U.S.C § 102(b) by *Neubauer al.* (US 5,953,673)?

Whether claims 73-76, 78-82, 84-88, and 90 are anticipated under 35 U.S.C § 102(b) by *Tognazzini* (EP 0810803)?

Whether claims 77, 83, and 89 are obvious under 35 U.S.C. § 103(a) based on *Tognazzini* in view of *De Brito* (US 6,529,735)?

VII. ARGUMENT**A. CLAIMS 73-90 ARE NOT ANTICIPATED OVER NEUBAUER ET AL., BECAUSE NEUBAUER ET AL. FAILS TO DISCLOSE ALL OF RECITED FEATURES OF THESE CLAIMS.**

Claims 73-90 are rejected under 35 U.S.C § 102(b) as anticipated by *Neubauer et al.* Appellant respectfully submits that the Final Rejection's assertions that claims 73-90 are anticipated, is in error.

To anticipate a patent claim, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

A prior art reference anticipates a patent claims if it discloses every limitation of the claimed invention, either explicitly or inherently. *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). "Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates." *MEHL/Biophile Int'l Corp. v. Milgram*, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999).

Unless the patent otherwise provides, a claim term cannot be given a different meaning in the various claims of the same patent. *Georgia Pacific Corp. v. U.S. Gypsum Co.*, 195 F.3d 1322, 1331, 52 USPQ2d 1590, 1598 (Fed. Cir., Nov. 1, 1999); see also *Southwall Tech., Inc. v. Cardinal IG Co.*, 54 F.3d 1570, 1579, 34 USPQ2d 1673, 1679 (Fed. Cir. 1995) (holding that claim term found in different claims must be interpreted consistently); *Fonar Corp. v. Johnson &*

Johnson, 821 F.2d 627, 632, 3 USPQ2d 1109, 1113 (Fed. Cir. 1987.) (holding that a term used in one claim had the same meaning in another claim).

Well-settled case law holds that the words of a claim must be read as they would be interpreted by those of ordinary skill in the art. *In re Baker Hughes Inc.*, 215 F.3d 1297, 55 USPQ2d 1149 (Fed. Cir. 2000); *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); M.P.E.P. 2111.01. “Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in the art would reach.” *In re Cortright*, 165 F.3d 1353, 1369, 49 USPQ2d 1464, 1465 (Fed. Cir. 1999).

Independent claims 73, 79, and 85 recite, *inter alia*, “receiving [or receive] a request from a mobile station to connect to one of a plurality of other mobile stations, **wherein the request specifies a location criteria** . . . and . . . selecting [or select] one of the other mobile stations to connect to the mobile station **based on the location criteria** and the determined location information.”

The Final Office Action, on page 3, lines 3-8, cites various portions of *Neubauer et al.* in support of the assertions that *Neubauer et al.* discloses the above features. By contrast, *Neubauer et al.* unambiguously discloses that if a “subscriber SA of the telephone network PSTN **dials a group call number** and a connection with the service control point SCP exists in the telephone network PSTN, the location of the calling subscriber SA is determined,” (Col. 6, lines 3-5). That is, on “the basis of the subscriber **call number** of the subscriber SA, transmitted together with the dialed **group call number, the service control point SCP** determines the location of said subscriber,” such that the “group call number received is converted into a new group call number, suitable for the mobile radio network PLMN, and this group call number is sent back to the service switching point EX together with information identifying the location of the calling

subscriber SA in the telephone network PSTN,” (Col. 6, lines 13-23). As such, the “address message” of *Neubauer et al.* that is transmitted to the mobile switching system by **the service switching point EX** merely includes **the new group call number** and **the information on the location of the calling subscriber SA**. Thus, the subscriber SA only requests a connection on the basis of **a group call number**, but nothing more, and the location information in the request for connection to the new group call number only includes location information concerning the **calling subscriber SA**, which is not a location criteria for selection of one of a plurality of mobile stations. Even still, and notwithstanding the above deficiency, the request for connection to the new group call number is not requested by subscriber SA, but rather **it is requested by the service switching point EX**.

Further, *Neubauer et al.* clearly teaches that the mobile switching system merely provides home location register HLR of mobile radio network PLMN with “the information with respect to the calling subscriber SA [or SA’] . . . and the group call number provided for the identification of the target group of the mobile subscribers from which the called mobile target subscriber is selected,” (Col. 8, lines 39-45). The home location register HLR merely “gathers information . . . concerning all the mobile subscribers of the target group and sends this information together with the information identifying the location of the calling subscriber SA or SA’ to the service control point SCP,” (Col. 9, lines 50-55). As such, *Neubauer et al.* does not teach the exchange of a **location criterion**, much less a request comprising a location criteria.

Also, *Neubauer et al.* particularly discloses that “service control point SCP selects on the basis of the information received [from home location register HLR] the mobile subscriber of the target group best suited with respect to the calling subscriber SA or SA’ as the mobile target subscriber SB,” which may be on the basis of the mobile target subscriber closest to the calling

subscriber SA or SA', (Col. 9, lines 56-62). Accordingly, one of ordinary skill in the art would readily understand that any criteria upon which the "best suited" mobile target subscriber SB is selected **is part of service control point SCP** and, as such, **criteria is not taught as being received or retrieved from any other component of either telephone network PSTN or mobile radio network PLMN**, much less from a request.

At best, *Neubauer et al.* later provides that home location register HLR may provide "algorithms for selection of the best suited mobile subscriber of the target group dialed, the selection being performed according to locational and/or temporal requirements or according to hierarchical or cyclical aspects of the home location register HLR," (Col. 10, lines 57-63). Thus, and even assuming, *arguendo*, that the algorithms provided by home location register HLR contain criteria, **this criteria is not included within a received request of either subscriber station SA or SA'**. As previously argued, subscriber stations SA and SA' merely request connections in the form of **dialed group call numbers**.

Thus, *Neubauer et al.* fails to disclose all of the recited features of independent claims 73, 79, and 85.

Further, dependent claims 74-78, 80-84, and 86-90 also are patentable over *Neubauer et al.*, for at least the reasons independent claims 73, 79, and 85 are patentable, as well as for the additional features these claims recite. For example, and for at least the reasons discussed above, *Neubauer et al.* cannot reasonably be considered to disclose "causing, at least in part, a connection between the mobile station and any of the other mobile stations **based on the location criteria** and the determining location information," as recited in dependent claim 74, and as similarly recited in dependent claims 80 and 86.

Therefore, Appellant respectfully submits that the imposed rejection of independent claims 73, 79, and 85, as well as dependent claims 74-78, 80-84, and 86-90, under 35 U.S.C §102(b) for anticipation based on *Neubauer et al.*, is not factually or legally viable. Hence, the rejection of claims 73-90 must be reversed, because *Neubauer et al.* does not disclose all of the features of these claims.

B. CLAIMS 73-76, 78-82, 84-88, AND 90 ARE NOT ANTICIPATED OVER TOGNAZZINI BECAUSE TOGNAZZINI FAILS TO DISCLOSE ALL OF RECITED FEATURES OF THESE CLAIMS.

Claims 73-76, 78-82, 84-88, and 90 are rejected under 35 U.S.C § 102(b) as anticipated by *Tognazzini*. Appellant respectfully submits that the Final Rejection's assertions that claims 73-76, 78-82, 84-88, and 90 are anticipated, is in error.

Independent claims 73, 79, and 85 recite, *inter alia*, "receiving [or receive] a request from a mobile station to connect to one of a plurality of other mobile stations, **wherein the request specifies a location criteria . . . and . . . determining [or determine] location information** for each of the other mobile stations."

The Final Office Action, on page 6, lines 7-14, cites various portions of *Tognazzini* in support of the assertions that *Tognazzini* discloses the above features. However, *Tognazzini*, on col. 3, lines 36-42, specifically teaches an "apparatus for establishing communications between a calling station and one or more called stations **based on information stored in a database at a called station**, a calling station including an input device for specifying a query against information stored in the database, and a transmitter for sending a communications request including the query." Thus, the calling station submits the query, over a network, **to all stations** and, thereby, receives back **responses from those stations** at which the information stored in the database satisfies the query," (Col. 3, line 53 – Col. 4, line 8). As such, the stations do not

receive a request to connect to one of a plurality of other mobile stations, but instead receive a request to possibly connect to the receiving station. Further, the receiving stations do not determine location information for each of the other mobile stations.

Still more so, the receiving stations receive the request, not a mobile switching center. To this end, *Tognazzini* discloses that “if a match is found, the station responds with its identification,” such that a “central office detects a response and assigns an empty communications channel in the cellular spectrum to the originator and recipient of the call,” (Col. 11, lines 1-6; *See also* Col. 11, lines 39-41). In this manner, the central office is not configured to establish a connection to the one mobile station based on location information of the plurality of mobile stations and the location information, but instead the central office establishes one or more communication channels between querying stations and responding stations when the central office detects one or more responses from responding stations.

Since the factual determination of lack of novelty under 35 U.S.C. § 102(b) requires the **identical disclosure** in a single reference of **each element** of a claim, such that the **identically disclosed subject matter** is placed into the recognized possession of one having ordinary skill in the art, *Tognazzini* fails to anticipate the claimed subject matter. *See, e.g., Praxair, Inc. v. ATMI, Inc.*, 543 F.3d 1308, (Fed. Cir. 2008); *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003); *Trintec Indus., Inc. v. Top U.S.A. Corp.*, 295 F.3d 1292, 1296-97 (Fed. Cir. 2002) (noting that **the standard is strict, requiring exact correspondence** between the contents of the applied reference and the claimed elements, such that each and every element recited in the claims is present in the allegedly anticipatory reference); *Crown Operations Int'l, Ltd. v. Solutia Inc.*, 289 F.3d 1367 (Fed. Cir. 2002).

Thus, *Tognazzini* fails to disclose all of the recited features of independent claims 73, 79, and 85. Further, dependent claims 74-76, 78, 80-82, 84, 86-88, and 90 also are patentable over *Tognazzini*, for at least the reasons independent claims 73, 79, and 85 are patentable, as well as for the additional features these claims recite. For example, and for at least the reasons discussed above, *Tognazzini* cannot reasonably be considered to disclose “causing, at least in part, a connection between the mobile station and any of the other mobile stations **based on the location criteria** and the **determining location information**,” as recited in dependent claim 74, and as similarly recited in dependent claims 80 and 86.

Therefore, Appellant respectfully submits that the imposed rejection of independent claims 73, 79, and 85, as well as dependent claims 74-76, 78, 80-82, 84, 86-88, and 90, under 35 U.S.C § 102(b) for anticipation based on *Tognazzini*, is not factually or legally viable. Hence, the rejection of claims 73-76, 78-82, 84-88, and 90 must be reversed, because *Tognazzini* does not disclose all of the features of these claims.

C. CLAIMS 77, 83, AND 89 ARE NOT RENDERED OBVIOUS BY YTOGNAZZINI AND DE BRITO BECAUSE NONE OF THE APPLIED REFERENCES, ALONE OR IN COMBINATION, DISCLOSES OR RENDERS OBVIOUS ALL OF THE RECITED FEATURES OF THESE CLAIMS.

Claims 77, 83, and 89 are rejected under 35 U.S.C § 103(a) as obvious based on *Tognazzini* in view of *De Brito*. Appellant respectfully submits that the Final Rejection’s conclusion that claims 77, 83, and 89 are obvious, is in error.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir.

1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Obviousness rejections require some evidence in the prior art of a teaching, motivation, or suggestion to combine and modify the prior art references. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001); *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Appellant respectfully submits that *De Brito* at least fails to remedy the above discussed deficiencies of *Tognazzini*. Thus, dependent claims 77, 83, and 89 also are patentable over *Tognazzini*, at least in view of the error of rejecting the independent claims from which these claims variously depend, as well as for the additional features these claims recite.

Therefore, Appellant respectfully submits that the imposed rejection of dependent claims 77, 83, and 89 under 35 U.S.C § 103(a) for obviousness based on *Tognazzini* and *De Brito*, is not factually or legally viable. Hence, the rejection of claims 77, 83, and 89 must be reversed, because *Tognazzini* and *De Brito* do not disclose or render obvious the features of these claims.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellant requests the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

October 18, 2010
Date

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IX. CLAIMS APPENDIX

1. - 72. (Canceled)

73. A method comprising:

receiving a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria;
determining location information for each of the other mobile stations; and
selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information.

74. A method according to claim 73, further comprising:

causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information.

75. A method according to claim 73, further comprising:

causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group.

76. A method according to claim 73, further comprising:

receiving information as to which of the plurality of other mobile stations satisfy the location criteria.

77. A method according to claim 76, further comprising:

determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

78. A method according to claim 76 further comprising:

determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

79. An apparatus comprising:

at least one processor; and

at least one memory, the at least one memory and the at least one processor configured to cause the apparatus at least to:

receive a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria,

determine location information for each of the other mobile stations, and

select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information.

80. An apparatus according to claim 79, wherein the at least one memory and the at least one processor are further configured to cause the apparatus at least to:

cause, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determined location information.

81. An apparatus according to claim 79, wherein the at least one memory and the at least one processor are further configured to cause the apparatus at least to:

cause, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group.

82. An apparatus according to claim 79, wherein the at least one memory and the at least one processor are further configured to cause the apparatus at least to:

receive information as to which of the plurality of other mobile stations satisfy the location criteria.

83. An apparatus according to claim 82, wherein the at least one memory and the at least one processor are further configured to cause the apparatus at least to:

determine an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

84. An apparatus according to claim 82, wherein the at least one memory and the at least one processor are further configured to cause the apparatus at least to:

determine to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

85. An apparatus comprising:

means for receiving a request from a mobile station to connect to one of a plurality of other mobile stations, wherein the request specifies a location criteria;

means for determining location information for each of the other mobile stations; and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information.

86. An apparatus according to claim 85, further comprising:

means for causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information.

87. An apparatus according to claim 85, further comprising:

means for causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group.

88. An apparatus according to claim 85, further comprising:

means for receiving information as to which of the plurality of other mobile stations satisfy the location criteria.

89. An apparatus according to claim 88, further comprising:

means for determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

90. An apparatus according to claim 88, further comprising:

means for determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria.

91. (Withdrawn) A method comprising:

generating a request specifying a location criteria for selection of one of a plurality of mobile stations; and

causing, at least in part, transmission of the request to a mobile switching center configured to establish a connection to the one mobile station based on location information of the plurality of mobile stations and the location criteria.

92. (Withdrawn) A method according to claim 91, wherein the mobile switching center is further configured to establish connections to any of the plurality of mobile stations based on the location criteria and the location information.

93. (Withdrawn) A method according to claim 91, wherein the mobile switching center is further configured to establish the connection to the one mobile station based on the one mobile station belonging to a predetermined group.

94. (Withdrawn) A method according to claim 91, wherein the mobile switching center is further configured to receive information as to which of the plurality of mobile stations satisfy the location criteria.

95. (Withdrawn) A method according to claim 94, wherein the mobile switching center is further configured to determine an order in which to establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

96. (Withdrawn) A method according to claim 94, wherein the mobile switching center is further configured to determine to randomly establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

97. (Withdrawn) An apparatus comprising:

at least one processor; and

at least one memory, the at least one memory and the at least one processor configured to cause the apparatus at least to:

generate a request specifying a location criteria for selection of one of a plurality of mobile stations; and

cause, at least in part, transmission of the request to a mobile switching center configured to establish a connection to the one mobile station based on location information of the plurality of mobile stations and the location criteria.

98. (Withdrawn) An apparatus according to claim 97, wherein the mobile switching center is further configured to establish connections to any of the plurality of mobile stations based on the location criteria and the location information.

99. (Withdrawn) An apparatus according to claim 97, wherein the mobile switching center is further configured to establish the connection to the one mobile station based on the one mobile station belonging to a predetermined group.

100. (Withdrawn) An apparatus according to claim 97, wherein the mobile switching center is further configured to receive information as to which of the plurality of mobile stations satisfy the location criteria.

101. (Withdrawn) An apparatus according to claim 100, wherein the mobile switching center is further configured to determine an order in which to establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

102. (Withdrawn) An apparatus according to claim 100, wherein the mobile switching center is further configured to determine to randomly establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

103. (Withdrawn) An apparatus comprising:

means for generating a request specifying a location criteria for selection of one of a plurality of mobile stations; and

means for causing, at least in part, transmission of the request to a mobile switching center configured to establish a connection to the one mobile station based on location information of the plurality of mobile stations and the location criteria.

104. (Withdrawn) An apparatus according to claim 103, wherein the mobile switching center is further configured to establish connections to any of the plurality of mobile stations based on the location criteria and the location information.

105. (Withdrawn) An apparatus according to claim 103, wherein the mobile switching center is further configured to establish the connection to the one mobile station based on the one mobile station belonging to a predetermined group.

106. (Withdrawn) An apparatus according to claim 103, wherein the mobile switching center is further configured to receive information as to which of the plurality of mobile stations satisfy the location criteria.

107. (Withdrawn) An apparatus according to claim 103, wherein the mobile switching center is further configured to determine an order in which to establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

108. (Withdrawn) An apparatus according to claim 103, wherein the mobile switching center is further configured to determine to randomly establish connections to one or more of the plurality of mobile stations satisfying the location criteria.

X. EVIDENCE APPENDIX

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

XI. RELATED PROCEEDINGS APPENDIX

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.